

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

GENERAL ELECTRIC COMPANY,

Plaintiff,

v.

SIEMENS ENERGY, INC.,

Defendant.

Case No. 3:21-cv-00025 (JAG)

**DECLARATION OF BRETTE TANNENBAUM IN SUPPORT OF PLAINTIFF'S  
MOTION FOR A PRELIMINARY INJUNCTION**

I, Brette Tannenbaum, declare as follows:

1. I am a member of Paul, Weiss, Rifkind, Wharton & Garrison LLP (“Paul, Weiss”), counsel to Plaintiff General Electric Company (“GE”) in the above-captioned action. I submit this declaration in support of GE’s Motion for a Preliminary Injunction filed today.

2. Exhibit 1 is a true and correct copy of the Reciprocal Nondisclosure Agreement between GE and Virginia Electric and Power Company (“Dominion Energy Virginia”), dated February 28, 2019.

3. Exhibit 2 is a true and correct copy of the Verified Complaint filed as docket entry No. 1 in *Mitsubishi Hitachi Power Systems Americas, Inc. v. Siemens Energy, Inc. et al.*, No. 6:20-cv-1845, in the U.S. District Court for the Middle District of Florida, on October 6, 2020.

4. Exhibit 3 is a true and correct copy of the Motion for Preliminary Injunction filed as docket entry No. 2 in *Mitsubishi Hitachi Power Systems Americas, Inc. v.*

*Siemens Energy, Inc. et al.*, No. 6:20-cv-1845, in the U.S. District Court for the Middle District of Florida, on October 6, 2020.

5. Exhibit 4 is a true and correct copy of 26 emails and email chains submitted as a preliminary injunction hearing exhibit by Mitsubishi Hitachi Power Systems Americas, Inc. (“Mitsubishi”), and filed as docket entry No. 53-6 in *Mitsubishi Hitachi Power Systems Americas, Inc. v. Siemens Energy, Inc. et al.*, No. 6:20-cv-1845, in the U.S. District Court for the Middle District of Florida, on December 3, 2020.

6. Exhibit 5 is a true and correct copy of an undated letter exhibit submitted as a preliminary injunction hearing exhibit by Mitsubishi, and filed as docket entry No. 53-8 in *Mitsubishi Hitachi Power Systems Americas, Inc. v. Siemens Energy, Inc. et al.*, No. 6:20-cv-1845, in the U.S. District Court for the Middle District of Florida, on December 3, 2020.

7. Exhibit 6 is a true and correct copy of an undated spreadsheet submitted as a preliminary injunction hearing exhibit by Mitsubishi, and filed as docket entry No. 53-9 in *Mitsubishi Hitachi Power Systems Americas, Inc. v. Siemens Energy, Inc. et al.*, No. 6:20-cv-1845, in the U.S. District Court for the Middle District of Florida, on December 3, 2020.

8. Exhibit 7 is a true and correct copy of the Declaration of Michael Hillen, dated October 29, 2020, submitted as a preliminary injunction hearing exhibit by Mitsubishi, and filed as docket entry No. 53-11 in *Mitsubishi Hitachi Power Systems Americas, Inc. v. Siemens Energy, Inc. et al.*, No. 6:20-cv-1845, in the U.S. District Court for the Middle District of Florida, on December 3, 2020.

9. Exhibit 8 is a true and correct copy of three letters dated August 14, 2020, from Mark D. Mitchell at Dominion Energy, Inc. (“Dominion”) to Dennis Serra at Siemens Energy, Inc. (“Siemens”), submitted as a preliminary injunction hearing exhibit by Siemens, and filed as docket entry No. 55-10 in *Mitsubishi Hitachi Power Systems Americas, Inc. v. Siemens Energy, Inc. et al.*, No. 6:20-cv-1845, in the U.S. District Court for the Middle District of Florida, on December 3, 2020.

10. Exhibit 9 is a true and correct copy of the Order filed as docket entry No. 62 in *Mitsubishi Hitachi Power Systems Americas, Inc. v. Siemens Energy, Inc. et al.*, No. 6:20-cv-1845, in the U.S. District Court for the Middle District of Florida, on January 6, 2021.

11. Exhibit 10 is a true and correct copy of the public LinkedIn profile of Mehran Sharifi, a Siemens employee, as retrieved on January 15, 2021.

12. Exhibit 11 is a true and correct copy of the public LinkedIn profile of David Fernandes, a Siemens employee, as retrieved on January 15, 2021.

13. Exhibit 12 is a true and correct copy of the public LinkedIn profile of Adam Herlitzka, a Siemens employee, as retrieved on January 15, 2021.

14. Exhibit 13 is a true and correct copy of the public LinkedIn profile of Adam Hymel, a Siemens employee, as retrieved on January 15, 2021.

15. Exhibit 14 is a true and correct copy of the public LinkedIn profile of Fernando Muth, a Siemens employee, as retrieved on January 15, 2021.

16. Exhibit 15 is a true and correct copy of the public LinkedIn profile of Karim Amin, a Siemens Energy AG employee, as retrieved on January 15, 2021.

17. Exhibit 16 is a true and correct copy of the public LinkedIn profile of Tim Holt, a Siemens Energy AG employee, as retrieved on January 15, 2021.

18. Exhibit 17 is a true and correct copy of the public LinkedIn profile of Lucas Marchese Menezes, a Siemens Energy AG employee, as retrieved on January 15, 2021.

19. Exhibit 18 is a true and correct copy of a letter from Siemens' General Counsel Denise Hansen to GE's General Counsel Michael Holston, dated August 28, 2020, and received by GE on September 14, 2020.

20. Exhibit 19 is a true and correct copy of a letter from Brad S. Karp of Paul, Weiss, Rifkind, Wharton & Garrison LLP to Siemens' General Counsel Denise Hansen, dated October 20, 2020.

21. Exhibit 20 is a true and correct copy of a letter from Brad S. Karp of Paul, Weiss, Rifkind, Wharton & Garrison LLP to Saul B. Shapiro of Patterson Belknap Webb and Tyler LLP, dated November 17, 2020.

22. Exhibit 21 is a true and correct copy of a letter from Saul B. Shapiro of Patterson Belknap Webb and Tyler LLP to Brad S. Karp of Paul, Weiss, Rifkind, Wharton & Garrison LLP, dated October 30, 2020, and the exhibits thereto.

23. Exhibit 22 is a true and correct copy of an excerpt from the 2020 Annual Report of Siemens Energy AG, dated December 7, 2020.

24. Exhibit 23 is a true and correct copy of an email chain, dated May 23, 2019, bearing Bates number SIEMENER\_GEPD0000240, and the attachments, bearing Bates numbers SIEMENER\_GEPD0000241 and SIEMENER\_GEPD0000242.

25. Exhibit 24 is a true and correct copy of a document sent via email on May 31, 2019 by Ted Fasca, a Dominion employee, to Michael Hillen, a Siemens employee, bearing Bates number SIEMENER\_GEPROD0000031.

26. Exhibit 25 is a true and correct copy of an email chain, dated June 3, 2019, bearing Bates number SIEMENER\_GEPROD0000032, and the attachment, bearing Bates number SIEMENER\_GEPROD0000029.

27. Exhibit 26 is a true and correct copy of an email chain, dated June 14, 2019, bearing Bates number SIEMENER\_GEPROD0000251, and the attachment, bearing Bates number SIEMENER\_GEPROD0000252.

28. Exhibit 27 is a true and correct copy of an email chain, dated June 20, 2019, bearing Bates number SIEMENER\_GEPROD0000243, and the attachment, bearing Bates number SIEMENER\_GEPROD0000248.

29. Exhibit 28 is a true and correct copy of text messages among Siemens employees, dated May 24, 2019, and June 3, 2019, bearing Bates number SIEMENER\_GEPROD0000036.

30. Exhibit 29 is a true and correct copy of an email, dated May 23, 2019, bearing Bates number SIEMENER\_GEPROD0000087.

31. Exhibit 30 is a true and correct copy of an email, dated May 25, 2019, bearing Bates number SIEMENER\_GEPROD0000149.

32. Exhibit 31 is a true and correct copy of an email chain, dated May 30, 2019, bearing Bates number SIEMENER\_GEPROD0000410.

33. Exhibit 32 is a true and correct copy of an email chain, dated June 17, 2019, bearing Bates number SIEMENER\_GEPROD0000345.

34. Exhibit 33 is a true and correct copy of an email chain, dated August 1, 2019, bearing Bates number SIEMENER\_GEPROD0000361.

35. Exhibit 34 is a true and correct copy of an email chain, dated February 12, 2020, bearing Bates number SIEMENER\_GEPROD0000363.

36. Exhibit 35 is a true and correct copy of an email chain, dated February 12, 2020, bearing Bates number SIEMENER\_GEPROD0000383.

37. Exhibit 36 is a true and correct copy of an email chain, dated May 29, 2019, bearing Bates number SIEMENER\_GEPROD0000402.

38. Exhibit 37 is a true and correct copy of an email chain, dated May 24, 2019, bearing Bates number SIEMENER\_GEPROD0000124, and the attachment, bearing Bates number SIEMENER\_GEPROD0000125.

39. Exhibit 38 is a true and correct copy of a Siemens presentation, dated May 30, 2019, bearing Bates number SIEMENER\_GEPROD0000090.

40. Exhibit 39 is a true and correct copy of an undated Siemens spreadsheet, bearing Bates number SIEMENER\_GEPROD0000527.

41. Exhibit 40 is a true and correct copy of an undated screenshot from a Siemens database, bearing Bates number SIEMENER\_GEPROD0000034.

42. Exhibit 41 is a true and correct copy of an email, dated July 18, 2019, bearing Bates number SIEMENER\_GEPROD0000259, and the attachment, bearing Bates number SIEMENER\_GEPROD0000260.

43. Exhibit 42 is a true and correct copy of an email chain, dated May 25, 2019, bearing Bates number SIEMENER\_GEPROD0000377.

44. Exhibit 43 is a true and correct copy of an email chain, dated May 30, 2019, bearing Bates number SIEMENER\_GEPROD0000393.

45. Exhibit 44 is a true and correct copy of a screen capture of an email, dated May 23, 2019, bearing Bates number SIEMENER\_GEPROD0000043.

46. Exhibit 45 is a true and correct copy of an email, dated June 20, 2019, bearing Bates number SIEMENER\_GEPROD0000253.

47. Exhibit 46 is a true and correct copy of an email chain, dated June 14, 2019, bearing Bates number SIEMENER\_GEPROD0000257.

48. Exhibit 47 is a true and correct copy of an email, dated June 14, 2019, bearing Bates number SIEMENER\_GEPROD0000081.

49. Exhibit 48 is a true and correct copy of an email, dated June 25, 2019, bearing Bates number SIEMENER\_GEPROD0000312.

50. Exhibit 49 is a true and correct copy of an email, dated June 20, 2019, bearing Bates number SIEMENER\_GEPROD0000519.

51. Exhibit 50 is a true and correct copy of an email chain, dated July 30, 2019, bearing Bates number SIEMENER\_GEPROD0000136.

52. Exhibit 51 is a true and correct copy of an email chain, dated May 29, 2019, bearing Bates number SIEMENER\_GEPROD0000263.

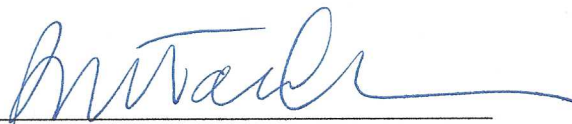
53. Exhibit 52 is a true and correct copy of an email, dated June 24, 2019, bearing Bates number SIEMENER\_GEPROD0000144.

54. Exhibit 53 is a true and correct copy of an email chain, dated May 30, 2019, bearing Bates number SIEMENER\_GEPD0000344.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 1, 2021

New York, New York

  
Brette Tannenbaum